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Attorneys for Defendants  
MATTRESS FIRM, INC., TFORCE FINAL  
MILE WEST, LLC (incorrectly named as  
Dynamex) and XPO LAST MILE, INC. d/b/a  
XPO LOGISTICS (incorrectly named as XPO  
Logistics Supply Chain, Inc.)

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

ALFREDO BRAVO,

Plaintiff,

v.

ON DELIVERY SERVICES, LLC; JORGE  
ALFARO; FRISCO BAY TRANSPORT,  
INC.; DYNAMEX; XPO LOGISTICS  
SUPPLY CHAIN, INC.; AMAZON.COM  
SERVICES, INC.; IKEA U.S. WEST, INC.;  
MATTRESS FIRM, INC.; AND NORTH  
AMERICAN LOGISTICS GROUP LLC,

Defendant.

Case No. 3:18-cv-01913-EMC

**STIPULATED REQUEST AND  
[PROPOSED] ORDER FOR EXTENSION  
OF BRIEFING SCHEDULE RE MOTION  
TO DISMISS AND STRIKE AND  
CONTINUING CASE MANAGEMENT  
CONFERENCE**

Complaint Filed: February 14, 2018  
Removal Date: March 28, 2018  
FAC Filed: June 21, 2018  
Trial Date: None yet set

Case No. 3:18-cv-01913-EMC

STIPULATED REQUEST AND [PROPOSED] ORDER FOR EXTENSION OF BRIEFING SCHEDULE RE  
MOTION TO DISMISS AND STRIKE AND CONTINUING OF CASE MANAGEMENT CONFERENCE

**TO THE COURT, ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

Defendants Mattress Firm, Inc. (“Mattress”), TForce Final Mile West, LLC (incorrectly named as Dynamex) (“TForce”), and XPO Last Mile, Inc. d/b/a/ XPO Logistics (incorrectly named as XPO Logistics Supply Chain, Inc.) (“XPO”) (collectively, “Defendants”), on the one hand, and Plaintiff Alfredo Bravo (“Plaintiff”), on the other hand, by and through their respective counsel of record, hereby stipulate as follows:

WHEREAS, Plaintiff filed a First Amended Complaint on June 21, 2018 (Dkt No. 40).

WHEREAS, Mattress, XPO and TForce filed a Joint Motion to Dismiss and Motion to Strike Plaintiff’s First Amended Complaint on July 5, 2018 (Dkt. No. 46).

WHEREAS, Plaintiff’s counsel filed a Notice of Unavailability with the Court on July 5, 2018 notifying the Court, Parties and respective counsel that he would be out of the country and unavailable between July 20, 2018 and August 4, 2018 (Dkt. No. 45).

WHEREAS, on May 24, 2018, the Court reset the initial case management conference from June 28, 2018 to August 9, 2018 (Dk. No. 26).

WHEREAS, the hearing on Mattress, XPO and TForce’s Joint Motion to Dismiss and Strike is scheduled for August 9, 2018.

WHEREAS, counsel for Plaintiff needs additional time to prepare Plaintiff’s opposition to Defendants’ Motion to Dismiss and Strike as a result of his unavailability during part of July and August.

WHEREAS, Plaintiff agreed to provide Defendants with a reciprocal extension of time to file their reply brief.

WHEREAS, the Parties desire to reschedule the hearing date on Mattress, XPO and TForce’s Motion to Dismiss and Strike to allow for the extended briefing schedule; and

WHEREAS, the Parties desire to reschedule the initial case management conference to take place after the hearing on Defendants’ Motions to Dismiss and Strike.

NOW, THEREFORE, the Parties have met and conferred, and agree upon the following:

1. Plaintiff will file his opposition to Defendant Mattress, XPO and TForce’s Motion to Dismiss and Strike the First Amended Complaint on or before August 9, 2018.

- 1 2. Defendants Mattress, XPO and TForce will file their reply in support of their joint  
2 Motion to Dismiss and Strike the First Amended Complaint on September 6, 2018.  
3 3. The hearing on Defendants Mattress, XPO and TForce's Motion to Dismiss and Strike  
4 Plaintiff's First Amended Complaint shall be continued to September <sup>20</sup>~~13~~, 2018 at 1:30  
5 p.m., or to a date and time that is convenient for the Court.  
6 4. The <sup>20</sup>initial case management conference shall be continued to September <sup>1:30</sup>~~13~~, 2018 at  
7 ~~9:30 a.m.~~, or to a date and time that is convenient for the Court.

8 IT IS SO STIPULATED.

9  
10 DATED: July 13, 2018

OGLETREE, DEAKINS, NASH, SMOAK &  
STEWART, P.C.

11 By: /s/ Lauren M. Cooper  
12 DOUGLAS J. FARMER  
13 LAUREN M. COOPER  
14 Attorneys for Defendants  
15 MATTRESS FIRM, INC., TFORCE FINAL  
16 MILE WEST, LLC (incorrectly named as  
Dynamex) and XPO LAST MILE, INC. d/b/a  
XPO LOGISTICS (incorrectly named as  
XPO Logistics Supply Chain, Inc.)

17 DATED: July 13, 2018

KLETTER LAW

18 By: /s/ Cary Kletter  
19 CARY KLETTER  
20 Attorneys For Plaintiff  
21 ALFREDO BRAVO  
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**SIGNATURE ATTESTATION**

Pursuant to Civil Local Rule 5-1(i)(3), I attest that concurrence in the filing of this document has been obtained from the other signatories.

DATED: July 13, 2018

OGLETREE, DEAKINS, NASH, SMOAK &  
STEWART, P.C.

By: /s/ Lauren M. Cooper

DOUGLAS J. FARMER

LAUREN M. COOPER

Attorneys for Defendants

MATTRESS FIRM, INC., TFORCE FINAL

MILE WEST, LLC (incorrectly named as

Dynamex) and XPO LAST MILE, INC. d/b/a

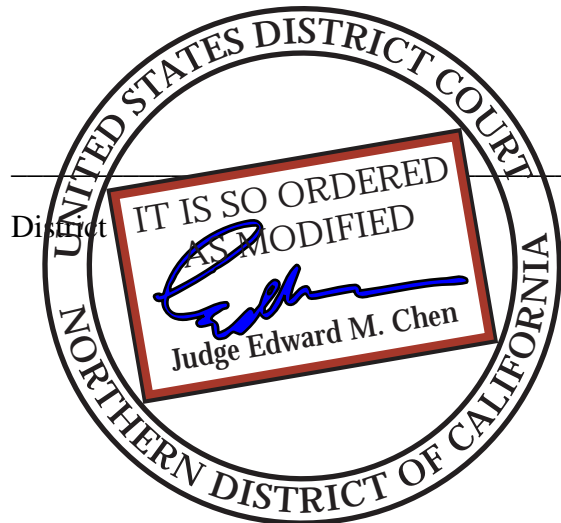
XPO LOGISTICS (incorrectly named as

XPO Logistics Supply Chain, Inc.)

**PURSUANT TO STIPULATION, IT IS SO ORDERED.** (modified above)

7/17/2018

Date: \_\_\_\_\_



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